

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DARIN J. FRANKLIN,
Plaintiff,
vs.
TANIA ARGUELLO, et al.,
Defendants. } Case No.: 3:15-CV-00196-RCJ-WGC
ORDER }

Before the Court is the Report and Recommendation of United States Magistrate Judge (ECF No. 129¹) entered on January 7, 2019, recommending that the Court deny Plaintiff's Motion (ECF No. 112) and grant and deny in part Defendants' Motion for Summary Judgment (ECF No. 113). On January 13, 2019, Plaintiff filed Objections to Magistrate Judge's Report and Recommendation (ECF No. 132).

This action was referred to Magistrate Judge Cobb under 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the pleadings and memoranda of the parties including the parties' objections to the Report and Recommendation and other relevant matters to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2.

¹ Refers to Court's docket number.

1 IT IS HEREBY ORDERED that Judge Cobb's Report and Recommendation
2 (ECF No. 129), shall be ADOPTED and ACCEPTED.
3

4 IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (ECF
5 No. 112) as to Counts I, II, IV and V are DENIED.
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7 IT IS FURTHER ORDERED that Defendant Murguia's Motion for Summary
8 Judgment (ECF No. 113) as to Counts I and II are GRANTED.
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10 IT IS FURTHER ORDERED That Baker's Motion for Summary Judgment (ECF
11 No. 113) as to Counts IV and V are DENIED.
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13 IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment
14 insofar as Plaintiff seeks to recover damages against them in their official capacities is
15 DENIED.
16

17 IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment
18 (ECF No. 113) with respect to Plaintiff's claims for injunctive relief as Plaintiff has been
19 released from prison and is no longer subject to the offending policies/practices is
20 GRANTED.
21

22 IT IS SO ORDERED.
23

24 Dated this 14th day of January, 2019.
25

26 ROBERT C. JONES
27 Senior District Judge
28